

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2000-01236
DATE OF DETERMINATION: August 5, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
At the project site Y **Date:** June 4, 2002
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York
County: Saratoga
Center coordinates of site by latitude & longitude coordinates: lat:43-5-40.7760 lon:73-54-5.5080
Approximate size of site/property (including uplands) in acres 48.26
Name of waterway or watershed: Unnamed Tributary to Kayaderosseras Creek

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.34								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2000-01236

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 48.26

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO

Total acres of jurisdictional waters on site: 19.47

Position of jurisdictional waters in landscape and watershed:

Groundwater slope and riverine wetlands, located at or near the top of the watershed

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The entire site is relatively undisturbed

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.34

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Groundwater slope area, which is located approximately 100 feet from the closest jurisdictional wetland and 120 feet from the closest tributary within this subwatershed

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2001-00456
DATE OF DETERMINATION: August 20, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** **N** **Date:**
At the project site (Y/N) **Y** **Date:** December 6, 2001

PROJECT LOCATION INFORMATION:

State: New York
County: Saratoga
Center coordinates of site by latitude & longitude coordinates: lat:43-4-0.0120 lon:73-51-56.0160
Approximate size of site/property (including uplands) in acres: 54.63
Name of waterway or watershed: Unnamed Tributary to Rowland Hollow Creek

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.06								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Preliminary** **Or Approved X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2001-00456

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 54.63

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO

Total acres of jurisdictional waters on site: 9.98

Position of jurisdictional waters in landscape and watershed:

Groundwater slope and riverine wetlands, some of which are located along ravines, and are at or near the top of the watershed

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): mostly undisturbed with some evidence of historic agricultural use, surrounded by residential development

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (Wetland 5) (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.06

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Groundwater depressional area located approximately 50 feet from the closest jurisdictional wetland, and 600 feet from the closest tributary within this subwatershed

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two: _____

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2003-00125
DATE OF DETERMINATION: August 25, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
At the project site Y Date: June 25, 2003
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York
County: Saratoga
Center coordinates of site by latitude & longitude coordinates: lat:42-51-15.1920 lon:73-45-42.0840
Approximate size of site/property (including uplands) in acres 35.24
Name of waterway or watershed: Unnamed Tributary to the Mohawk River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.10								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2003-00125

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 35.24

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO/PSS

Total acres of jurisdictional waters on site: 1.32

Position of jurisdictional waters in landscape and watershed:

Groundwater slope and riverine wetlands, located at the top of the watershed

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Most of the wetlands are relatively undisturbed, however some of the wetlands and most of the surrounding uplands were historically impacted by agricultural and mining activities and have been developed for commercial and residential uses

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (Isolated Wetlands Area #1) (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PSS/PEM

Acres of this NJD aquatic resource within property: 0.08

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Groundwater depressional area located approximately 400 feet from closest jurisdictional wetlands and tributary within this subwatershed

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #2 (Isolated Wetlands Area #2) (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PSS

Acres of this NJD aquatic resource within property: 0.02

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Runoff (linear) depressional area located approximately 500 feet from closest jurisdictional wetlands and tributary within this subwatershed

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2003-00236
DATE OF DETERMINATION: August 27, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
At the project site Y **Date:** June 3, 2004
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York
County: Saratoga
Center coordinates of site by latitude & longitude coordinates: lat:43-4-53.7240 lon:73-48-11.0880
Approximate size of site/property (including uplands) in acres: 8.90
Name of waterway or watershed: Unnamed Tributary to Putnam Brook

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.98								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2003-00236

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 9.80

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO/PSS

Total acres of jurisdictional waters on site: 1.69

Position of jurisdictional waters in landscape and watershed:

Groundwater slope wetlands, located at the top of the watershed

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Most of the wetlands are relatively undisturbed, however they are surrounded by commercial and residential developments, which have caused some disturbance along the edges of the site

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (Wetlands Area 1 and 4'-6' Wide Ditch) (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☒ Other (identify type): ditch

* If wetlands are present, indicate Cowardin classification: PFO/PSS

Acres of this NJD aquatic resource within property: 0.98

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Groundwater slope area that is located approximately 250 feet from, and is at approximately the same elevation as the closest jurisdictional wetland, and is located approximately one mile from the closest tributary within the same subwatershed as the isolated, intrastate water

The aquatic resource ☐ is ☒ is not located completely within the project site.

The aquatic resource ☒ is ☐ is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☒ other means (identify) by which water could flow between the two:

Approximately one mile of underground storm sewer pipes

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2003-01075

DATE OF DETERMINATION: August 30, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** **N** **Date:**
At the project site (Y/N) **Y** **Date:** October 16, 2003

PROJECT LOCATION INFORMATION:

State: New York

County: Dutchess

Center coordinates of site by latitude & longitude coordinates: lat:41-35-42.0000 lon:73-45-36.0000

Approximate size of site/property (including uplands) in acres: 480

Name of waterway or watershed: Hudson River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool	X								
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?			X		
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved **X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2003-01075

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions: Wetland "C"

Total acreage of site: 480

The jurisdictional waters on site consist of (check as many as are appropriate):

 Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PFO1E, PSS1E, PEM1E, and PFO1/SS1C

Total acres of jurisdictional waters on site: 113.75

Position of jurisdictional waters in landscape and watershed: Most of the wetlands on this site are forested and are associated with the Fishkill Creek floodplain.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Wetland "C" occurs in a landscape matrix of mixed uses, to include all of the above except mining.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1: Wetland "C" (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

 Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PSS1

Acres of this NJD aquatic resource within property: 0.02

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): This wetland is located 100 feet to the north-northeast of jurisdictional Wetland "B", but only 80 feet west of Fishkill Creek (a perennial stream). This wetland is also located 2-4 feet above the 100-year floodplain. Soil and vegetation similar to Wetland "B".

The aquatic resource X is is not located completely within the project site.

The aquatic resource is X is not connected to waters of the U.S. by X a surface channel

 underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #2: Wetland "D" (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

 Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PFO1/PSS1C

Acres of this NJD aquatic resource within property: 0.02

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): According to the wetland consultant, this wetland may be better described as a vernal pool. Wetland "D" is located approximately 50 feet east of Wetland "A" and 200 feet away from an unnamed tributary to Fishkill Creek (a perennial stream). This wetland lies below the 100-year floodplain, but 4-6 feet above Wetland "A".

The aquatic resource X is is not located completely within the project site.

The aquatic resource is X is not connected to waters of the U.S. by X a surface channel

 underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #3: Wetland "E" (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

 Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PEM1

Acres of this NJD aquatic resource within property: 0.5

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): This wetland is located approximately 400 feet north of Wetland "A". This wetland is located well above the 100-year floodplain.

The aquatic resource X is is not located completely within the project site.

The aquatic resource is X is not connected to waters of the U.S. by X a surface channel

CENAN-OP-R
APPLICATION NO. 2003-01075

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #4: Wetland "G" (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: ☐ PFO1 ☐

Acres of this NJD aquatic resource within property: ☐ 0.04 ☐

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): This wetland is nearly identical to Wetland "H" (described below), both of which are within 25 feet of each other. Wetland "G" is located approximately 50 feet west of the stream (intermittent) exiting jurisdictional Wetland "F", and is situated well above the 100-year floodplain.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☒ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #5: Wetland "H" (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: ☐ PFO1 ☐

Acres of this NJD aquatic resource within property: ☐ 0.04 ☐

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): As noted above, this wetland is nearly identical to Wetland "G", both of which are within 25 feet of each other. Likewise, Wetland "H" is located approximately 50 feet west of the stream (intermittent) exiting jurisdictional Wetland "F", and is situated well above the 100-year floodplain.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☒ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2003-01196
DATE OF DETERMINATION: August 3, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
At the project site Y **Date:** November 12, 2003
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York
County: Orange
Center coordinates of site by latitude & longitude coordinates: lat:41-29-45.7080 lon:74-21-10.0440
Approximate size of site/property (including uplands) in acres: 62.021
Name of waterway or watershed: Unnamed Tributary to Wallkill River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		1.279							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2003-01196

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 62.021

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFOIE, PUBHx

Total acres of jurisdictional waters on site: 8.026

Position of jurisdictional waters in landscape and watershed:

Wetlands associated with intermittent streams which flow through site.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Abandoned farm.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (D)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFOIE

Acres of this NJD aquatic resource within property: 1.142

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland located in low spot, surrounded by higher ground and rock walls associated with the former farm. Approximately 250 feet from nearest waters of U.S.

The aquatic resource ☐ is X is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 2 (G)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFOIE

Acres of this NJD aquatic resource within property: 0.032

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland located on small plateau, midway down the hillside. Approximately 225 feet from the nearest waters of U.S.

The aquatic resource ☐ is X is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

CENAN-OP-R
APPLICATION NO. 2003-01196

Isolated, intra-state water # 3 (I)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO1E

Acres of this NJD aquatic resource within property: 0.038

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland located in depression, impounded against Cross Road. Approximately 500 feet from the nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 4 (J)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO1E

Acres of this NJD aquatic resource within property: 0.067

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland located on small plateau, impounded against an old rock wall. Approximately 550 feet from the nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2003-01240
DATE OF DETERMINATION: August 3, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
At the project site Y **Date:** November 25, 2003
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York
County: Ulster
Center coordinates of site by latitude & longitude coordinates: lat:41-44-48.6960 lon:74-3-53.3880
Approximate size of site/property (including uplands) in acres: 45.08
Name of waterway or watershed: Unnamed Tributary to Wallkill River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.091								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2003-01240

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 45.08

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO1E

Total acres of jurisdictional waters on site: 5.379

Position of jurisdictional waters in landscape and watershed:

Wetlands associated with intermittent and perennial streams which flow through site.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Abandoned farm.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO1E

Acres of this NJD aquatic resource within property: 0.091

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Located on small plateau, approximately 200 feet from and 8 feet higher in elevation than nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2004-00104

DATE OF DETERMINATION: August 31, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:

At the project site Y Date: February 13, 2004
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York

County: Richmond

Center coordinates of site by latitude & longitude coordinates: lat:40-34-35.0040 lon:74-12-14.0040

Approximate size of site/property (including uplands) in acres: 95

Name of waterway or watershed: Fresh Kills

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands					10.74				
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond	0.30								
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2004-00104

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 95

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☐ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: _____

Total acres of jurisdictional waters on site: _____

Position of jurisdictional waters in landscape and watershed:

Not applicable.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Developed.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (A)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 3.35

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Approx. 150-feet from Arthur Kill separated by uplands; soils consist entirely of flyash.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 2 (B)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☒ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.34 wetland/0.30 pond

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Approx. 250-feet from Arthur Kill separated by uplands; soils consist entirely of flyash.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 3 (C)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 7.0 acres

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Approx. 160-feet from Arthur Kill separated by uplands; soils consist entirely of flyash.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 4 (D)

The NJD aquatic resources on site consist of (check as many as are appropriate):

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☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.10 acres

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Approx. 480-feet from Arthur Kill separated by uplands; soils consist entirely of flvash.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.